

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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BRITTANY COLON,

Plaintiff,

v.

ORDER

17-cv-371-wmc

AMERICAS BEST VALUE INN,

Defendant.

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A hearing was held today on this court's order to show cause why the named defendant should not be held in contempt for failing to obey the order and default judgment in this case, which was served at the defendant's business by the Marshal Service on December 14, 2017, along with plaintiff's motion for contempt. (*See* dkt. ##20, 24-25.) Plaintiff appeared by her counsel, Brent Eisberner, and in what has become a perplexing refusal to recognize the enforcement powers of a United States District Court, the defendant once again failed to appear.

As reflected in the detailed record here, including repeated attempts by plaintiff's counsel and the United States Marshal to impress upon the business operating as Americas Best Value Inn at 2504 Wisconsin Dells Parkway in Wisconsin Dells, Wisconsin, the property has repeatedly failed to acknowledge this judicial proceeding or what appear to be obvious violations of the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12181, et seq. At this point, the dispute is no longer just between plaintiff and the defendant, but rather between the defendant, whoever that might ultimately prove to be, and this court, which is not a fight the defendant is likely to win. Perhaps there remains some rabbit the true owner intends to pull out of the hat related to inadequate service or insufficient notice

once this matter is brought to a head, but even if that were so, one would think that the embarrassment of this pointless escalation of events, which now has the potential to include patrons' disappointment due to their inability to use the facility's indoor swimming pools, would be enough to motivate the business's franchisor, if not its local franchisee.

Regardless, because it is the duty of this court to ensure that its rulings are not flagrantly disregarded, IT IS ORDERED that:

- 1) The United States Marshal SHALL chain the doors of Defendant Americas Best Value Inn's indoor pools *unless* defendant: (a) posts a suitable bond of \$10,000 on or before Tuesday, January 16, 2018; *and* (b) files an acceptable plan outlining how it will promptly come into full compliance with this court's Order and Judgment (dkt. ##18, 19) on or before Friday, January 19, 2018.
- 2) The clerk of court is DIRECTED to publish this order in an appropriate local paper in Wisconsin Dells and to serve this order by certified mail on defendant at its business address, as well as deliver this order to defendant's apparent franchisor, Red Lions Hotel Franchising, Inc., by email to its designated "contact person" Amy Cheng at [registrations@chengcohen.com](mailto:registrations@chengcohen.com) and by certified mail to the address of its designated "contact person for service of process" Thomas McKeirnan at 201 W. North River Drive, Spokane, WA 99201.

Entered this 3rd day of January, 2018.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge